

## **Board Administration and Regulatory Coordination Unit**

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### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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### **Subchapter 3.6. Air Toxics "Hot Spots" Fee Regulation**

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#### **Article 1. General**

#### **§ 90701. Definitions.**

(a) "Air pollution control district" or "district" has the same meaning as defined in Section 39025 of the Health and Safety Code.

(b) "Criteria pollutant" means, for purposes of this regulation, total organic gases, particulate matter, nitrogen oxides or sulfur oxides.

(c) "District Update Facility" means a facility

(1) that has been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) "Air Toxics 'Hot Spots' Program Facility Prioritization Guidelines, July 1990", which has been approved by the State Board and which is incorporated by reference herein, and

(2) that is required by the district to submit a quadrennial emissions inventory update pursuant to Health and Safety Code Section 44344 during the applicable fiscal year, and

(3) whose prioritization scores for cancer and non-cancer health effects are both greater than 1.0 and equal to or less than 10.0.

(d) "Facility" has the same meaning as defined in Section 44304 of the Health and Safety Code.

(e) "Facility Data List" means a list of facilities, including the information set forth in Section 90704(e)(3).

(f) "Facility Program Category" means a grouping of facilities meeting the definitions in Sections 90701(k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (ae), (ah), (ai), (aj), (ak), (al), (am), (an), or (ao).

(g) "Guidelines Report" (Air Toxics Hot Spots Emission Inventory Criteria and Guidelines Report) is the report incorporated by reference under Section 93300.5 of this title that contains regulatory requirements for the Air Toxics Hot Spots Emission Inventory Program.

(h) "Industrywide Facility" means a facility that qualifies to be included in an industrywide emission inventory prepared by an air pollution control district pursuant to Health and Safety Code Section 44323, or an individual facility which emits less than 10 tons per year of each criteria pollutant, falls within a class composed of primarily small businesses, and whose emissions inventory report was prepared by the air pollution control district.

(i) "Office" means the Office of Environmental Health Hazard Assessment.

(j) "Operator" has the same meaning as defined in Section 44307 of the Health and Safety Code.

(k) "Prioritization Score Greater Than Ten (10.0) Facility" means a facility that does not have an approved health risk assessment and has been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) "Air Toxics 'Hot Spots' Program Facility Prioritization Guidelines, July 1990", which has been approved by the State Board and is incorporated by reference herein, and the greater of the facility's prioritization scores for cancer and non-cancer effects is greater than 10.0.

(l) "Prioritization Score Greater Than Ten (10.0) Facility (Complex)" means a facility that meets the criteria set forth in Section 90701(k), and has more than five processes as determined by six-digit Source Classification Codes (SCC).

(m) "Prioritization Score Greater Than Ten (10.0) Facility (Medium)" means a facility that meets the criteria set forth in Section 90701(k), and has three to five processes as determined by six-digit SCC.

(n) "Prioritization Score Greater Than Ten (10.0) Facility (Simple)" means a facility that meets the criteria set forth in Section 90701(k), and has one or two processes as determined by six-digit SCC.

(o) "Risk of 10.0 to Less Than 50.0 Per Million Facility" means a facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and whose risk assessment results meet either of the following criteria:

(1) a total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 10.0 but less than 50.0 cases per million persons or,

(2) a total hazard index for each toxicological endpoint, either acute or chronic, of greater than 1.0 and a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than 50.0.

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(p) “Risk of 10.0 to Less Than 50.0 Per Million Facility (Complex)” means a facility that meets the criteria set forth in Section 90701(o), and has more than five processes as determined by six-digit Source Classification Codes (SCC).

(q) “Risk of 10.0 to Less Than 50.0 Per Million Facility (Medium)” means a facility that meets the criteria set forth in Section 90701(o), and has three to five processes as determined by six-digit SCC.

(r) “Risk of 10.0 to Less Than 50.0 Per Million Facility (Simple)” means a facility that meets the criteria set forth in Section 90701(o), and has one or two processes as determined by six-digit SCC.

(s) “Risk of 50.0 to Less Than 100.0 Per Million Facility” means a facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and whose risk assessment results show a total potential cancer risk across all pathways of exposure and all compounds, of greater than or equal to 50.0, but less than 100.0 cases per million persons.

(t) “Risk of 50.0 to Less Than 100.0 Per Million Facility (Complex)” means a facility that meets the criteria set forth in Section 90701(s), and has more than five processes as determined by six-digit Source Classification Codes (SCC).

(u) “Risk of 50.0 to Less Than 100.0 Per Million Facility (Medium)” means a facility that meets the criteria set forth in Section 90701(s), and has three to five processes as determined by six-digit SCC.

(v) “Risk of 50.0 to Less Than 100.0 Per Million Facility (Simple)” means a facility that meets the criteria set forth in Section 90701(s), and has one or two processes as determined by six-digit SCC.

(w) “Risk of 100.0 Per Million or Greater Facility” means a facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and whose risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 100.0 cases per million persons.

(x) “Risk of 100.0 Per Million or Greater Facility (Complex)” means a facility that meets the criteria set forth in Section 90701(w), and has more than five processes as determined by six-digit Source Classification Codes (SCC).

(y) “Risk of 100.0 Per Million or Greater Facility (Medium)” means a facility that meets the criteria set forth in Section 90701(w), and has three to five processes as determined by six-digit SCC.

(z) “Risk of 100.0 Per Million or Greater Facility (Simple)” means a facility that meets the criteria set forth in Section 90701(w), and has one or two processes as determined by six-digit SCC.

(aa) “Small Business” for the purposes of Section 90704(g)(2) means a facility which is independently owned and operated and has met all of the following criteria in the preceding year: 1) the facility has 10 or fewer (annual full-time equivalence) employees; 2) the facility's total annual gross receipts are less than \$1,000,000; and 3) the total annual gross receipts for the California operations the facility is part of are less than \$5,000,000. All oil producers in the San Joaquin Valley Unified Air Pollution Control District will be judged by the criteria of San Joaquin Valley Unified Air Pollution Control District Rule 2201, subsections 3.29.1 - 3.29.3 (Operative June 15, 1995) to determine overall facility size and boundaries for purposes of qualifying as a small business.

(ab) “Source Classification Codes” or “SCC” means number codes created by the United States Environmental Protection Agency used to identify processes associated with point sources that contribute emissions to the atmosphere.

(ac) “Standard Industrial Classification Code” or “SIC Code” means the Standard Industrial Classification Code which classifies establishments by the type of business activity in which they are engaged, as defined by the Standard Industrial Classification Manual, 1987, published by the Executive Office of the President, Office of Management and Budget, 1987, which is incorporated by reference herein.

(ad) “State costs” means the reasonable anticipated cost which will be incurred by the State Board and the Office to implement and administer the Act, as shown in Table 1 of this part.

(ae) “State Industrywide Facility” means a facility that (1) qualifies to be included in an industrywide emission inventory prepared by an air pollution control or air quality management district pursuant to Health and Safety Code Section 44323, (2) releases, or has the potential to release, less than ten tons per year of each criteria pollutant, and (3) is either of the following:

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(A) a facility in one of the following four classes of facilities: autobody shops, as described by SIC Codes 5511-5521 or 7532; gasoline stations, as described by SIC Code 5541; dry cleaners, as described by SIC Code 7216; and printing and publishing, as described by SIC Codes 2711-2771 or 2782; or

(B) a facility that has not prepared an Individual Plan and Report in accordance with Sections 44340, 44341, and 44344 of the Health and Safety Code and for which the district submits documentation for approval by the Executive Officer of the State Board, verifying that the facility meets the requirements of Health and Safety Code Section 44323(a)-(d).

(af) “Supplemental Fee” means the fee charged to cover the costs of the district to review a health risk assessment containing supplemental information which was prepared in accordance with the provisions of Section 44360(b)(3) of the Health and Safety Code.

(ag) “Total organic gases” or “TOG” means all gases containing carbon, except carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(ah) “Tracking Facility” means a facility that has been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) “Air Toxics ‘Hot Spots’ Program Facility Prioritization Guidelines, July 1990”, which has been approved by the State Board and which is incorporated by reference herein, and the greater of the facility's prioritization scores for cancer and non-cancer health effects is greater than 10.0, and meets either one of the following criteria:

(1) the facility has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of equal to or greater than 1.0 and less than ten (10) cases per million persons and a total hazard index for each toxicological endpoint, both acute and chronic, of less than or equal to 1.0, or

(2) the facility has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total hazard index for each toxicological endpoint, either acute or chronic, of greater than or equal to 0.1, but less than or equal to 1.0, and a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than ten (10) cases per million persons.

(ai) “Tracking Facility (Complex)” means a facility that meets the criteria set forth in Section 90701(ah), and has more than five processes as determined by six-digit Source Classification Codes (SCC).

(aj) “Tracking Facility (Medium)” means a facility that meets the criteria set forth in Section 90701(ah), and has three to five processes as determined by six-digit SCC.

(ak) “Tracking Facility (Simple)” means a facility that meets the criteria set forth in Section 90701(ah), and has one or two processes as determined by six-digit SCC.

(al) “Unprioritized Facility” means a facility that has not been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) “Air Toxics ‘Hot Spots’ Program Facility Prioritization Guidelines, July 1990”, which has been approved by the State Board and is incorporated by reference herein.

(am) “Unprioritized Facility (Complex)” means a facility that meets the criteria set forth in Section 90701(al), and has more than five processes as determined by six-digit Source Classification Codes (SCC).

(an) “Unprioritized Facility (Medium)” means a facility that meets the criteria set forth in Section 90701(al), and has three to five processes as determined by six-digit SCC.

(ao) “Unprioritized Facility (Simple)” means a facility that meets the criteria set forth in Section 90701(al), and has one or two processes as determined by six-digit SCC.

NOTE: Authority cited: Sections 39600, 39601, 44380 and 44380.5, Health and Safety Code. Reference: Sections 44320, 44344.4, 44380 and 44380.5, Health and Safety Code.

#### **REFERENCE**